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SENATE BILL 1242

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MANNY M ARAGON

AN ACT

RELATING TO LANDFILLS; SEPARATING THE DECISIONS REGARDING
ACCEPTABLE LAND USE FROM SCIENTIFIC VIABILITY OF A LANDFILL
OPERATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. LOCAL GOVERNMENT DECISIONS REGARDING
LANDFILLS. -- Local political subdivisions of the state who grant
or deny requests for zone changes for landfills will grant or
deny the requests in accordance with the state Open Meetings Act
and after conducting public hearings on the application. The
granting or denying of a zone change application by the
political subdivision will be based solely on the geographic
location of the requested landfill and shall exclude from its
decision the environmental and scientific merits of the
location. The granting of a zone change permit shall only be

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1 issued by the political subdivision upon the issuance of an
2 operating permit from the environmental improvement division of
3 the department of health. Landfills zoned and permitted by the
4 state prior to July 1, 1997, shall be excluded and may continue
5 to operate as long as they remain in compliance with the
6 requirements of the division and the local zoning conditions.

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6 March 5, 1997

8 Mr. President:

10 Your CONSERVATION COMMITTEE, to whom has been referred

12 SENATE BILL 1242

14 has had it under consideration and reports same WITHOUT

16 RECOMMENDATION, amended as follows:

18 1. On page 1, line 25, after the period insert "The zone change,
19 if necessary, shall occur prior to application to the New Mexico
20 environment department for an operating permit."

22 2. On page 2, line 2, strike "improvement" and insert in lieu
23 thereof "protection".

24 3. On page 2, line 3, strike "health" and insert "environment".

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Respectfully submitted,

Michael S. Sanchez, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 4 Against

Yes: 5

No: Davis, Feldman, Griego, Sanchez

Excused: Lyons

Absent: None

S1242C01

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FORTY-THIRD LEGISLATURE

FIRST SESSION

March 6, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 1242, as amended

Amendment sponsored by Senator Manny M Aragon

1. On page 1, line 13, after "OPERATION" insert "; REPEALING AND ENACTING SECTIONS OF THE NMSA 1978."

2. Strike Senate Conservation Committee Amendments 1 through 3.

3. On page 1, line 25, after the period, strike the rest of the line.

4. On page 2, strike lines 1 and 2 in their entirety.

5. On page 2, line 3, strike "the department of health."

6. On page 2, after line 6, insert the following new Section 2:

"Section 2. REPEAL. -- Section 74-9-42 NMSA 1978 (being Laws 1990, Chapter 99, Section 42) is repealed."

FORTY-THIRD LEGISLATURE
FIRST SESSION

SB 1242

Page 6

Manny M. Aragon

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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